

Existing law provides that claims to be covered by the Louisiana Insurance Guaranty Association (LIGA) shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association as subrogation claims or otherwise.

New law additionally excludes from coverage by LIGA, as subrogation claims or otherwise, any claim due a health maintenance organization or plan, preferred provider organization or plan, employee retirement fund, including ERISA plans, Medicare, Medicaid, or within the coverage represented, replaced, or both by a certificate of self-insurance.

Existing law provides that any person having a claim under an insurance policy, other than a policy of an insolvent insurer, shall be required first to exhaust his rights under that policy before recovering from LIGA. Defines an "insurance policy" as including liability coverage, uninsured or underinsured motorist liability coverage, or both, hospitalization, and other medical expense coverage.

New law additionally includes the following within the definition of "insurance policy" or "insurer" for purposes of existing law prohibiting duplication of recovery: coverage under self-insurance certificates; coverage under a health maintenance organization or plan, preferred provider organization or plan, or similar plan; any and all other medical expense coverage; and any entity prohibited by existing law or new law from recovering from LIGA.

New law further provides that it shall apply to all pending claims and to all insurance company liquidation proceedings.

Effective upon signature of governor (June 18, 1999).

(Amends R.S. 22:1379(3)(b) and 1386(A))